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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,048	12/20/2001	Rod Walsh	004770.00025	2223

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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,048	WALSH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramsey Refai	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

Responsive to Request for Continued Examination (RCE) received January 17, 2006. Claims 1 and 21 have been amended. Claims 23-26 are new. Claims 1-26 are now presented for further examination.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 now contains newly added limitation "*wherein each of the at least two fixed length filters has an offset value corresponding to one of the at least two clusters*". No support for this claimed limitation has been found in the Applicant's specification. In the remarks, the Applicant points to page 7, paragraph 28 of the specification for support, which recites:

FIG. 6 illustrates a method that may be implemented by cluster mapping module 204 to generate a cluster map, in accordance with an embodiment of the invention. The filter module filters clusters of data found in a packet of data. First, in step 602, the identification of at least two clusters of discrete sections of data is received. Client system 202 may transmit the identification of clusters to cluster mapping module 204. Next, in step 604, individual fixed length filters are selected. The selection may be based on factors such as the sizes and locations of the clusters. In step 606, the offset values are selected. Offset values have been described above and may be selected so that filter resources are optimized. *The offset values may be selected to correspond to the beginning of the clusters of discrete sections of data.* For example, if a cluster of data consists of sections 108 and 110 of packet 100 (shown) in FIG. 1, an offset value of 24 bits may be selected to prevent filtering unneeded bits.

The closest support for the newly added limitation appears to be the highlighted portion above.

However, this is insufficient support for the newly added limitation “*wherein each of the at least two fixed length filters has an offset value corresponding to one of the at least two clusters*”, which differs from the above paragraph which teaches that the offset values may be selected to correspond to “*the beginning of the clusters of discrete sections of data*”

3. Claims 2-11 depend on the above rejected claim 1, therefore are rejected under the same rationale.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the at least two fixed length filters" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 5, the limitation “an offset value” is indefinite because it’s not clear whether the term is referring to an offset value previously introduced in claim 1 or a new “offset value” different than that of claim 1. The use of this indefinite term has therefore rendered the claim indefinite. Clarification is respectfully requested.

Claims 2-11 depend on the above rejected claim 1, therefore these claims are rejected under the same rationale.

#### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9, 11-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lakshman et al. U.S. Patent No. 5,951,651; hereinafter Lakshman).

8. As per claims 1, 7-8, 12, and 18, Lakshman discloses a device for filtering data, wherein the data is formatted in a packet having discrete segments, the device comprising:

a mapping module (router) that contains control logic for performing steps comprising:

(a) receiving the identification of at least two clusters of the discrete segments of data (packets contain segments of data see fig. 1) (col. 4, lines 48-54); and

(b) selecting at least two of a plurality of fixed length filters to filter the at least two clusters (col. 4, lines 54-55 see also col. 5, lines 7-16) wherein each of the at least two fixed length filters has an offset value corresponding to one of the at least two clusters (column 4, lines 28-47, column 3, lines 30-56, column 5, lines 25-28).

9. As per claim 2, Lakshman discloses that the plurality of fixed length filters have a common length (col. 4, lines 30-33).

10. As per claim. 3, Lakshman discloses that each of the plurality of fixed length filters is 2 bytes (fig. 5, 75b).

11. As per claim 4, Lakshman discloses that the plurality of fixed length filters is configured so that each of the plurality of fixed length filters has an offset value corresponding to one of the discrete segments of the packet (col. 4, lines 41-44).

12. As per claim 5, Lakshman discloses that at least one of the plurality of fixed length filters has an offset value of 0 (col. 4, lines 33-34).

13. As per claims 6 and 17, Lakshman discloses that a first one of the at least two clusters of data is formatted in accordance with a first protocol and a second one of the at least two clusters of data is formatted in accordance with a second protocol different than the first protocol (col. 2, lines 23-34).

14. As per claim 9, Lakshman discloses receiving an identification of a protocol of the data and a value (col. 6, lines 34-40).

15. As per claim 11, Lakshman discloses that the mapping module contains further control logic for performing the steps of mapping the identification of the protocol of the data and the value to the at least two clusters of the discrete segments of data (col. 6, lines 42-51) .

16. As per claims 13-14 and 19-20, Lakshman discloses the steps of generating a filter mask that identifies segments of the at least two of a plurality of fixed length filters (col. 4, lines 55-66) and providing the filter values (col. 4, lines 66-67 through col. 5, lines 1-3).

17. As per claims 15 and 21, Lakshman discloses the method further comprising the step of: generating at least one rule for combining data filtered by at least two of a plurality of fixed length filters (col. 7, lines 1-17).

18. As per claims 16 and 22, Lakshman discloses the method comprising the step of: selecting offset values for the at least two of the plurality of fixed length filters (col. 5, lines 25-28).

19. As per claim 23, this claim contains similar limitations as claims 1 and 12 above, therefore are rejected under the same rationale.

20. As per claim 24, Lakshman teach the cluster map includes the offset of the first and second fixed length filters (column 4, lines 28-47, column 3, lines 30-56).

21. As per claims 25 and 26, Lakshman teach none or all of the plurality of fixed filters overlap (column 4, lines 1-3).

*Claim Rejections - 35 USC § 103*

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lakshman et al. U.S. Patent No. 5,951,651; hereinafter Lakshman).

As per claim 10, Lakshman teaches that the value comprises an IP address (column 3, line 24-30) but fail to teach the use of DVB-T protocol.

However, it would have been obvious to one of the ordinary skill in the art at the time of the Applicants' invention to use DVB-T protocol in Lakshman's method because doing so would allow for the efficient routing of quality audio and video data by filtering Digital Video Broadcasting data using a plurality of filters.

*Response to Arguments*

24. Applicant's arguments filed June 7, 2005 have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues in substance that:
  - a. Office Action admits that Lakshman is silent on the notion of fixed length filters;
  - b. Lakshman fails to teach wherein each of the at least two fixed length filters has an offset value corresponding to one of the at least two clusters.
- In response to argument:
  - a. Examiner respectfully disagrees. The Applicant is incorrectly stating the Office's position on this issue. In the previously mailed action, the Examiner stated that although Lakshman does not explicitly use the word *fixed*, Lakshman does teach that filters have rules in which a specific

range can be specified (see column 3, lines 35-56, column 2, lines 22-38). Lakshman does teach the claimed fixed length filters and therefore Lakshman meets the scope of the claimed limitation.

b. Examiner respectfully disagrees. Lakshman teach that each of the at least two fixed length filters has an offset value corresponding to one of the at least two clusters (See column 4, lines 28-47, column 3, lines 30-56, column 5, lines 25-28).

### *Conclusion*

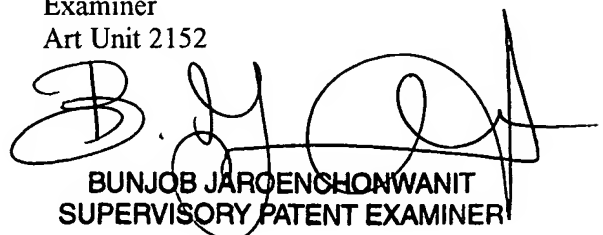
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RR  
February 27, 2006

Ramsey Refai  
Examiner  
Art Unit 2152

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER